(3)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P NO 1419 /2002

PETITIONER:

P.R. No. 1422/02
Presented by Shri R.S. Bajaj
dated 16-7-02

Cement Corporation of India
Through: Its General Manager
Akaltara Cement Factory
P.O Akaltara , Distt. Janjgir-Champa
Chhattisgarh.

Versus

RESPONDENTS:

Rashtriya Cement & Khadan
Shramik Sanghatan,
Through : Its President
Akaltara Cement Factory,
P.O Akaltara, Janjgir-Champa
CHHATTISGARH

PETITIONER UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1419 of 2002

Petitioner — Cement Corporation of India

Versus

Respondent — Rashtriya Cement & Khadan Shramik Sanghatan

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri P.S. Koshy, counsel for the petitioner.

Shri S.P. Kale, counsel for respondent.

ORAL ORDER

(2nd March, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. This petition is filed by the Management-petitioner impugning the order dated 26.6.2002 (Annexure P-1) passed by the Industrial Court in Case No. M.P.I.R./Appeal/A-11/2001 upholding the order dated 18.7.2001 passed by the Presiding Officer, Labour Court, Bilaspur in Case No. 75/M.P.I.R. Act/97.

2. The facts in nutshell are that 8 employees of the respondent Sanghatan working with the petitioner Corporation filed an application before the Labour Court claming regularization of their service w.e.f. 3.6.95. The Labour Court passed the award dated 18.7.2001, after considering the case of the respondent Sanghatan without affording proper opportunity to the petitioner for putting forward its case. On perusal of the order of the Labour Court, it appears that the petitioner was given sometime to produce its witnesses. However, the Labour Court proceeded without granting further time and passed the award exparte against the petitoner. The

Labour Court allowed the application and directed the petitioner to regularize the service of 8 employees of the respondent Sanghatan w.e.f. 3.6.95 and further to grant differences of wages w.e.f. the same date.

3. The Industrial Court upheld the award by its order dated 26.6.2002 without considering the facts as to whether the petitioner ought to have been directed to consider the case of the respondent employees for regularization with retrospective effect from 3.6.95 or not.

4. The petitioner has filed this petition praying that the petitioner be granted opportunity for adducing its evidence before the Labour Court.

5. At this stage, Shri S.P. Kale, learned counsel appearing for the respondent, with the President of Sanghatan and other affected 8 employees namely Ranbir Singh Thakur, Ram Sanehi Yadav, B. Sitaramaiya, Sachida Nand Singh, Manoj Kumar, Sajevan Kumar Sahu, Bideshi Ram Nirmalkar and Dilip Kumar Gahatraj, submits that the employees are agreeable to the order, if the award is made effective from the date, the impugned award was passed i.e. 18.7.2001, prospectively.

6. In view of the fair submission made by learned counsel for the respondent Sanghatan and other 8 affected employees, who are present in the Court, it is not necessary to go into other aspects of the matter.

7. The petition stands disposed of with the above-stated modification to the effect that the order of the Labour Court will be effective w.e.f. 18.7.2001, not from 3.6.1995. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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